

## Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 L-02 SCCT-01 JUSE-00 SCA-01

CIAE-00 INR-07 NSAE-00 /031 R

DRAFTED BY EB/AVP:DBORTMAN:VLV

APPROVED BY EB/AVP:DBORTMAN

L/EB - MR. WILLIS

L/M - MR. BLAKESLEY

EUR/WE - MR. MARSH

S/CCT - MR. GATCH

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P 282126Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY PARIS PRIORITY

C O N F I D E N T I A L STATE 070959

E.O. 11652: GDS

TAGS: EAIR, FR

SUBJECT: EXTRADITION--HOLDER/KERKOU

REF: PARIS 7588

1. DEPT APPRECIATES EMBASSY EFFORTS IN THIS CASE. WE UNDERSTAND WELL THE IMPLICATION IN REFTEL THAT FACTORS OTHER THAN JURISPRUDENCE MAY INFLUENCE RESULTS. IN THIS CONTEXT WE WONDER WHETHER OTHER AREAS OF THE FRENCH GOVT MAY NOT SHARE OUR CONCERN OVER THIS CASE. A GREAT DEAL OF EFFORT ON THE PART OF THE INTERNATIONAL AVIATION COMMUNITY WENT INTO DRAFTING THE HAGUE CONVENTION. THE RESULT HAS BEEN ACCEPTED ALMOST UNIVERSALLY WITHOUT CONTROVERSY.

2. WE BELIEVE THAT THERE ARE THOSE IN THE FRENCH GOVT WHO AGREE WITH US THAT THE WRONG DECISION IN THIS CASE COULD NOT ONLY MISS AN OPPORTUNITY TO MULTIPLY THE DETER-  
RENT EFFECT OF HAGUE CONVENTION BY ILLUSTRATING FOR THE  
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FIRST TIME THE "UNIVERSAL JURISDICTION" EFFECT, BUT IT

COULD UNDERMINE ANOTHER EVEN MORE ESSENTIAL ASPECT OF THE HAGUE, THE REQUIREMENT THAT HIJACKERS BE TREATED ESSENTIALLY AS COMMON CRIMINALS. JUST AS A POSITIVE RESULT WOULD HAVE IMPORTANT PRECEDENTIAL INFLUENCE (WITH COURTS IN

DEVELOPED COUNTRIES AS WELL AS ELSEWHERE), A NEGATIVE DECISION COULD HAVE AN EQUALLY FAR-REACHING NEGATIVE EFFECT.

3. ONE SENIOR FRENCH OFFICIAL WHO HAS PLAYED AN IMPORTANT ROLE IN THIS AREA IS GUILLAUME OF THE CONSEIL D'ETAT. THERE MAY BE OTHERS IN THE CIVIL AVIATION ADMINISTRATION OR IN THE FRENCH INTERNAL SECURITY FORCES CONCERNED WITH AVIATION HIJACKING AND TERRORISM WHO HAVE SUCH A CONCERN AND ALSO THE REQUISITE INFLUENCE TO MAKE A DIFFERENCE. THE EMBASSY SHOULD CONSIDER THE POSSIBILITY OF DISCUSSING THIS PROBLEM INFORMALLY WITH ONE OR TWO SUCH FRENCH OFFICIALS TO EXPLORE WAYS TO AVOID A RESULT WHICH COULD BE EQUALLY HARMFUL TO FRENCH INTERESTS AND OURS. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 28 MAR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** buchandr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE070959  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** DBORTMAN:VLV  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750109-1163  
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**Previous Handling Restrictions:** n/a  
**Reference:** 75 PARIS 7588  
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**Secure:** OPEN  
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**To:** PARIS  
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